

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2009-233-T**

IN RE: Petition of the Office of Regulatory Staff to )	
Rescind the Order of the Public Service )	MOTION TO RESCIND
Commission Granting a Class C Taxi )	COMMISSION ORDER
Certificate of Public Convenience )	NO. 2009-412
And Necessity to Mark A. Nagele For )	
Failure to Comply with Commission Order )	
No. 2009-412 )	

The Office of Regulatory Staff ("ORS") hereby moves and requests that the Public Service Commission of South Carolina ("Commission") Rescind its Order Number 2009-412 issued in the above Docketed matter on June 25, 2009.

As stated in that Order, the Commission ruled that the Applicant Mark A. Nagele ("NAGELE" or "Applicant") was to file or cause to have filed with the Office of Regulatory Staff ("ORS") within sixty (60) days of the Order "the proper license fees, proof of liability insurance (i.e. "Form E"), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2008) of the Commission's Rules and Regulations for Motor Carriers....",

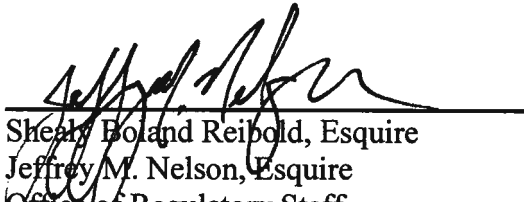
In support of this Motion, ORS would respectfully show:

1. That as of December 3, 2009, the ORS has not yet received from the Applicant NAGELE the proof of insurance as required by 26 S.C. Code Regs.103-171, the License Decal Application Form and the Decal Fee as required by 26 S.C. Code Regs. 103-151 (1). See, Affidavit of Carole Chauvin attached hereto as Attachment A.

2. That as a result of the Applicants failure to provide the ORS with the Form E, and the appropriate License Decal Application Form and Decal Fee, the Applicant NAGELE has not been issued a Certificate of Public Convenience and Necessity and has failed to comply with the terms of Commission Order No. 2009-412.

WHEREFORE, the ORS moves and requests that the Commission grant this Motion to Rescind Order No. 2009-412 based on the Applicant Nagele's failure to comply with the terms and conditions of that Order. Further, the ORS requests that subsequent to the issuance of the Commission Order in this matter that this Docket be closed.

OFFICE OF REGULATORY STAFF



Shealy Boland Reibold, Esquire  
Jeffrey M. Nelson, Esquire  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
(803) 737-0800

December 15, 2009  
Columbia, South Carolina

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2009-233-T**

**December 3, 2009**

IN RE: Application of Mark A. Nagele )  
for a Class C Taxi Certificate of Public ) AFFIDAVIT OF  
Convenience and Necessity of Certain Motor Carriers ) Carole Chauvin

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On December 3, 2009, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 and the License Decal Application Form and appropriate license decal fee as required by 26 S.C. Code Regs 103-151 (1) has not been filed with ORS by the following company as of December 3, 2009:

**Mark A. Nagele**  
**2925 Carriage Row Lane Unit 228**  
**Myrtle Beach SC 29577**

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin  
Program Specialist, Transportation Department  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201

Sworn and subscribed before me  
this 3<sup>rd</sup> day of Dec, 20 09

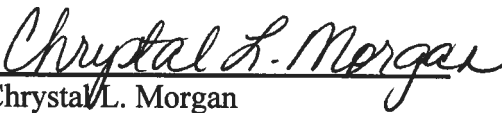
[Signature]  
Notary Public for South Carolina  
My Commission Expires: 5/11/2010

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2009-233-T**

Application of Mark A. Nagele for a Class C	)	
Taxi Certificate of Public Convenience	)	CERTIFICATE OF SERVICE
and Necessity for Operation of Motor Vehicle	)	
Carrier	)	

This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the **MOTION TO RESCIND COMMISSION ORDER NO. 2009-412** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Mark A. Nagele  
2925 Carriage Row Lane Unit 228  
Myrtle Beach, SC 29577

  
Chrystal L. Morgan

December 15, 2009  
Columbia, South Carolina